

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ARNITHA HILL, et al.,  
Plaintiffs,  
v.  
CITY OF SACRAMENTO, et al.,  
Defendants.

No. 2:22-cv-01625 DJC AC PS

FINDINGS AND RECOMMENDATIONS

Plaintiffs are proceeding in this action pro se. The action was accordingly referred to the undersigned for pretrial matters by E.D. Cal. R. (“Local Rule”) 302(c)(21). This case has been pending since September 16, 2022. ECF No. 1. Defendants moved to dismiss the initial complaint, and that complaint was dismissed with leave to amend. ECF Nos. 14, 15. Plaintiffs filed a first amended complaint. ECF No. 16. Defendants moved to dismiss the first amended complaint, and following a hearing on the motion, the first amended complaint was dismissed with partial leave to amend. ECF Nos. 28, 30. Plaintiffs filed a second amended complaint. ECF No. 31.

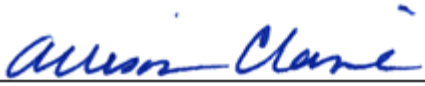
On February 16, 2024, defendants filed a motion to dismiss plaintiff’s second amended complaint, set to be heard on April 10, 2024. ECF No. 32. The motion was taken under submission. ECF No. 33. Per Local Rules 230(c), plaintiff was required to file an opposition or notice of non-opposition within 14 days of the motion being filed. In this case, the deadline was

1 March 1, 2024. Plaintiffs did not file an opposition or statement of non-opposition. Concerned  
2 that plaintiffs had abandoned this case, the court issued an order to show cause within 14 days  
3 why this action should not be dismissed for failure to prosecute. ECF No. 34. Plaintiffs were  
4 cautioned that failure respond could lead to a recommendation that the action be dismissed.  
5 Plaintiffs again did not respond. Plaintiffs have not responded to the court's orders, nor taken any  
6 action to prosecute this case in the face of the third motion to dismiss.

7 The court believes plaintiffs have made the decision to abandon this case. Therefore, IT  
8 IS HEREBY RECOMMENDED that this action be dismissed for lack of prosecution and for  
9 failure to comply with the court's order. See Fed. R. Civ. P. 41(b); Local Rule 110. Considering  
10 the amount of litigation that took place prior to plaintiffs' apparent abandonment, it is  
11 recommended that dismissal be with prejudice.

12 These findings and recommendations are submitted to the United States District Judge  
13 assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one  
14 (21) days after being served with these findings and recommendations, plaintiff may file written  
15 objections with the court. Such document should be captioned "Objections to Magistrate Judge's  
16 Findings and Recommendations." Local Rule 304(d). Plaintiff is advised that failure to file  
17 objections within the specified time may waive the right to appeal the District Court's order.  
18 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

19 DATED: April 1, 2024

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21 ALLISON CLAIRE  
22 UNITED STATES MAGISTRATE JUDGE  
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